

Kerala Gazette No. 23 dated 9th June 2015.

PART I

Section ii



GOVERNMENT OF KERALA

Law (Legislation Publication) Department

NOTIFICATION

No. 9122/Leg.Pbn.4/2015/Law. *Dated, Thiruvananthapuram, 11th May, 2015.*

The following Rules of Government of India, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (i) dated the 23rd day of June, 2014 is hereby republished for general information.

By order of the Governor,

B. G. HARINDRANATH,
Law Secretary.

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

(Department of Social Justice and Empowerment)

NOTIFICATION

New Delhi, the 23rd June, 2014

G.S.R. 416 (E).—In exercise of the powers conferred by sub-section (1) of Section 23 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), the Central Government hereby makes the following rules further to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, namely:—

1. (1) These rules may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (Amendment) Rules, 2014.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, for the Schedule and Annexure-I, the following Schedule and Annexure-I shall be substituted, namely:—

“SCHEDULE

Annexure-I

[see rule 12 (4)]

NORMS FOR RELIEF AMOUNT

<i>Sl. No.</i>	<i>Name of the Offence</i>	<i>Minimum amount of Relief</i>
(1)	(2)	(3)
1	Drink or eat inedible or obnoxious substance [Section 3 (1) (i)]	Ninety thousand rupees or more depending upon the nature and gravity of the offence to each victim and also commensurate with the indignity, insult, injury and defamation suffered by the victim.

(1)	(2)	(3)
2	Causing injury insult or annoyance [Section 3 (1) (ii)]	
3	Derogatory act [Section 3 (1) (iii)]	Payment to be made as follows— I. 25 per cent when the charge sheet is sent to the court II. 75 per cent when accused are convicted by the lower court
4	Wrongful occupation or cultivation of land, etc. [Section 3 (1) (iv)]	At least Ninety thousand rupees or more depending upon the nature and gravity of the offence. The land or premises or water supply shall be restored where necessary at Government cost. Full payment to be made when charge-sheet is sent to the court.
5	Relating to land, premises and water [Section 3 (1) (v)]	
6	Begar or forced or bonded labour [Section 3 (1) (vi)]	At least Ninety thousand rupees to each victim. Payment of 25 per cent at First Information Report stage and 75 per cent on conviction in the lower court.
7	Relating to right to franchise [Section 3 (1) (vii)]	Upto Seventy five thousand rupees to each victim depending upon the nature and gravity of the offence.
8	False, malicious or vexatious legal proceedings [Section 3 (1) (viii)]	Ninety thousand rupees or reimbursement of actual legal expenses and damages or whichever is less after conclusion of the trial of the accused.
9	False and frivolous information [Section 3 (1) (ix)]	
10	Insult, intimidation and humiliation [Section 3 (1) (x)]	Upto Ninety thousand rupees to each victim depending upon the nature of the offence. Payment of 25 per cent when charge-sheet is sent to the court and rest on conviction.

(1)	(2)	(3)
11	Outraging the modesty of a woman [Section 3 (1) (xi)]	One lakh eighty thousand rupees to each victim of the offence 50 per cent of the amount may be paid after medical examination and remaining 50 per cent at the conclusion of the trial.
12	Sexual exploitation of a woman [Section 3 (1) (xii)]	
13	Fouling of water [Section 3 (1) (xiii)]	Upto Three lakh seventy five thousand rupees or full cost of restoration of normal facility, including cleaning when the water is fouled. Payment may be made at the stage as deemed fit by District Administration.
14	Denial of customary rights of passage [Section 3 (1) (xiv)]	Upto Three lakh seventy five thousand or full cost of restoration of right of passage and full compensation of the loss suffered, if any. Payment of 50 per cent when charge sheet is sent to the court and 50 per cent on conviction in lower-court.
15	Making one desert place of residence [Section 3 (1) (xv)]	Restoration of the site or right to stay and compensation of Ninety thousand rupees to each victim and reconstruction of the house at Government cost, if destroyed. To be paid in full when charge sheet is sent to the lower court.
16	Giving false evidence [Section 3 (2) (i) and (ii)]	At least Three lakh seventy five thousand rupees or full-compensation of the loss or harm sustained. 50 per cent to be paid when charge sheet is sent to Court and 50 per cent on conviction by the lower court.

(1)	(2)	(3)
17	Committing offences under the Indian Penal Code punishable with imprisonment for a term of ten years or more [Section 3 (2) (v)]	At least One lakh eighty thousand rupees depending upon the nature and gravity of the offence to each victim and or his dependents. The amount shall vary if specifically otherwise provided in the Schedule.
18	Victimization at the hands of a public servant [Section 3 (2) (vii)]	Same as the compensation payable, if the accused was not a public servant.
19	Disability. The definition of disability shall be as given in section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and guidelines for their assessment shall be as contained in the Ministry of Social Justice and Empowerment, Government of India Notification No. 154, dated the 1st June, 2001, as amended from time to time. A copy of the notification is at Annexure-II to the Schedule.	
	(a) 100 per cent incapacitation	
	(i) Non-earning Member of a family	At least Three lakh seventy five thousand rupees to each victim of offence. 50 per cent on First Information Report and 25 per cent at charge sheet and 25 per cent on conviction by the lower court.

(1)	(2)	(3)
	(ii) Earning Member of a family	At least Seven lakh fifty thousand rupees to each victim of offence, 50 per cent to be paid on First Information Report or Medical examination stage, 25 per cent when charge sheet sent to court and 25 per cent at conviction in lower court.
	(b)Where incapacitation is less than 100 per cent	Provided that an amount of not less than sixty thousand rupees from the amount payable to non-earning member of a family and an amount of not less than one lakh twenty thousand rupees from the amount payable to an earning member of a family may be reduced.
20	Murder or Death	
	(a) Non-earning Member of a family	At least three lakh seventy five thousand rupees to each case. Payment of 75 per cent after postmortem and 25 per cent on conviction by the lower court.
	(b) Earning Member of a family	At least Seven lakh fifty thousand rupees to each case. Payment of 75 per cent after postmortem and 25 per cent on conviction by the lower court.
21	Victim of murder, death, massacre, rape, mass rape and gang rape, permanent incapacitation and dacoity.	<p>In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows—</p> <p>(i) Pension to each widow and/or other dependents of deceased Scheduled Castes and Scheduled Tribes @ Four thousand five hundred rupees per month, or employment to one member of the family of the deceased, or provision of agricultural land, an house, if necessary by outright purchase.</p>

(1)	(2)	(3)
		(ii) Full cost of the education and maintenance of the children of the victims. Children may be admitted to Ashram Schools or Residential Schools. (iii) Provision of utensils, rice, wheat, dals, pulses etc. for a period of three month.
22	Complete destruction of burnt houses	Brick or stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed”.

[F. No. 11012/03/2013-PCR(Desk)]

SANJEEV KUMAR,
Jt. Secretary.

Note:—The principal rules were published in the Gazette of India, Extraordinary vide notification number G. S. R. 316 (E), dated the 31st March, 1995 and subsequently amended vide notification G. S. R. 896(E), dated the 23rd December, 2011.